



U.S. Department of Justice

United States Attorney
 Southern District of New York

The Silvio J. Mollo Building
 One Saint Andrew's Plaza
 New York, New York 10007

May 28, 2021

VIA ECF

The Honorable Laura Taylor Swain
 United States District Judge
 Southern District of New York
 500 Pearl Street
 New York, New York 10007

MEMO ENDORSED

Re: *United States v. Jesse Rodriguez, 18 Cr. 488*

Dear Judge Swain:

The Government writes in response to the Court's May 4, 2021 Order directing the parties to file a status update by June 1, 2021: (1) identifying any outstanding submissions; (2) whether the parties intend to go forward with a competency hearing on June 22, 2021; (3) the amount of time required for the presentation of testimony and argument; (4) the anticipated witness list; and (5) whether the parties request a remote hearing. (ECF No. 105).

Since the Court's last order, the parties have conferred regarding a potential resolution of this matter that will obviate the need for a competency proceeding. In light of the parties' joint intent to pursue a pre-trial resolution, the parties respectfully request that the Court hold the currently-scheduled competency proceeding in abeyance and, instead, schedule a status conference in 60 days' time to provide the parties an opportunity to reach a pre-trial resolution.

The Government further requests that the Court exclude time up to the date of the next status conference, to afford additional time for the defendant and the Government to confer regarding a pre-trial disposition. Defense counsel has no objection to the exclusion of time.

The request is granted. The defendant's competency hearing, currently scheduled for June 22, 2021, is hereby adjourned sine die. A status conference will be held on July 23, 2021, at 11:00 am. The Court finds pursuant to 18 U.S.C. § 3161(H)(7)(A) that the ends of justice served by an exclusion of time from today's date through 7/23/21 outweigh the best interests of the public and the defendant in a speedy trial for the reasons stated above. DE#106 resolved.

SO ORDERED.

/s/ Laura Taylor Swain, Ch. USDJ 5/28/2021

Cc: Clay Kaminsky, Esq, (via ECF)

Respectfully submitted,

AUDREY STRAUSS
 United States Attorney

by: 
 Sarah Mortazavi
 Assistant United States Attorney